

JOHN F. RYAN (JF-1762)  
McDERMOTT & RADZIK, LLP  
*Attorneys for Defendant*  
Wall Street Plaza  
88 Pine Street – 21<sup>st</sup> Floor  
New York, NY 10005-1801  
(212) 376-6400  
(Our File: GM-08-3618 JFR/CGP)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

CARMEN D'ALLESANDRO,

Plaintiff,

- against

MODERN CONTINENTAL, INC. and  
STERLING EQUIPMENT, INC.,

Defendants.

-----X

STERLING EQUIPMENT, INC.,

Third-Party Plaintiff,

- against -

MODERN CONTINENTAL  
CONSTRUCTION CO., INC.,

Third-Party Defendants.

-----X

**ECF CASE**

**07 Civ. 9725 (DAB)**

NOTICE OF MOTION TO  
ADMIT COUNSEL *PRO HAC*  
*VICE*

AUG 29 2008

90925-661834  
525-661834  
OK

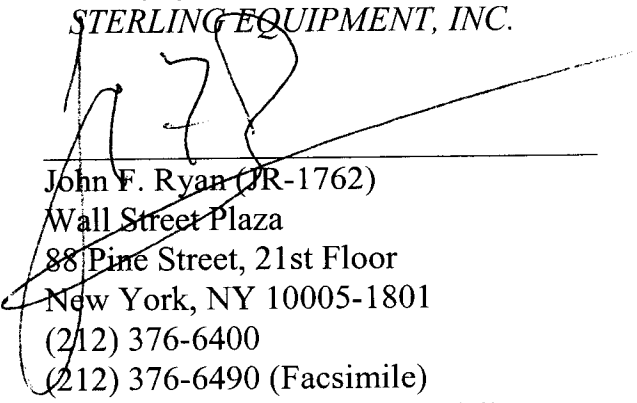
TO: John P. James, Esq.  
Friedman & James LLP  
132 Nassau Street – Suite 900  
New York, NY 10038  
(212) 233-9385  
[JJJames@FriedmanJames.com](mailto:JJJames@FriedmanJames.com)

Kenneth M. Simon, Esq.  
Flicker, Garelick & Associates, LLP  
45 Broadway  
New York, NY 10006  
(212) 319-5240  
[ksimon@flickergarelick.com](mailto:ksimon@flickergarelick.com)

**PLEASE TAKE NOTICE** that upon the annexed affidavit of movant, Norman A. Peloquin, II, Esq., in support of this motion and the Certificate(s) of Good Standing annexed thereto, we will move this Court before the Honorable Deborah A. Batts at the United States Courthouse for the Southern District of New York, pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York for an Order allowing the admission of movant, Norman A. Peloquin, II, Esq. Of Counsel to the firm of Partridge Snow & Hahn, LLP, and a member in good standing of the Bar of the Commonwealth of Massachusetts and the State of Rhode Island and Providence Plantations, as an attorney *pro hac vice* to argue or try this case in whole or in part as counsel. There are no pending disciplinary proceedings against me in any State or Federal court.

Dated: New York, NY  
August 21, 2008

McDERMOTT & RADZIK, LLP  
*Attorneys for Defendant*  
*STERLING EQUIPMENT, INC.*



John F. Ryan (JR-1762)

Wall Street Plaza

88 Pine Street, 21st Floor

New York, NY 10005-1801

(212) 376-6400

(212) 376-6490 (Facsimile)

Email: [jfryan@mcdermottradzik.com](mailto:jfryan@mcdermottradzik.com)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK            )  
                                                  ) SS.:  
COUNTY OF NEW YORK        )

Patricia A. Frattini, being duly sworn, deposes and says:

1. I am employed by the firm of McDERMOTT & RADZIK, LLP, attorneys for the Plaintiff. I am not a party to this action, am over 18 years of age.

2. On August 27, 2008, I served the annexed **Notice of Motion to Admit counsel *Pro Hac Vice*; Affidavit of Norman A. Peloquin, Jr., In Support of Motion to Admit Counsel *Pro Hac Vice*; and Admission to Practice *Pro Hac Vice*** upon the following:

John P. James, Esq.  
Friedman & James, LLP  
*Attorneys for Plaintiff*  
132 Nassau Street – Suite 900  
New York, NY 10038

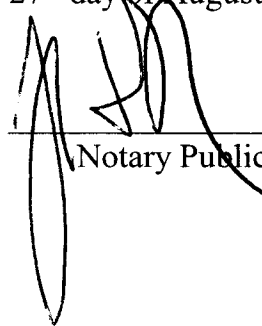
Kenneth M. Simon, Esq.  
Flicker, Garelick & Associates, LLP  
*Attorneys for Defendant Modern Continental, Inc.*  
45 Broadway  
New York, NY 10006

at the addresses designated by said attorneys for that purpose, by depositing true copies of same enclosed in postpaid, properly addressed wrappers in an official depository under the

exclusive care and custody of the United States Postal Services within the State of New York.

Patricia A. Frattini  
Patricia A. Frattini

Sworn to before me this  
27<sup>th</sup> day of August, 2008

  
Notary Public

JOHN F. RYAN  
Notary Public, State of New York  
No. 02RY6055958  
Qualified in Kings County  
Certificate filed in New York County  
Commission Expires March 12, 2011

JOHN F. RYAN (JR-1762)  
McDERMOTT & RADZIK, LLP  
*Attorneys for Defendant,*  
*Sterling Equipment, Inc.*  
Wall Street Plaza  
88 Pine Street – 21<sup>st</sup> Floor  
New York, NY 10005-1801  
(212) 376-6400

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CARMEN D’ALESSANDRO,

Plaintiff,

– against –

MODERN CONTINENTAL, INC., and  
STERLING EQUIPMENT, INC.,

Defendants.

-----X

STERLING EQUIPMENT, INC.,

Third-Party Plaintiff,

– against –

MODERN CONTINENTAL CONSTRUCTION  
CO., INC.,

Third-Party Defendant.

-----X

ECF CASE


Case No. 07-Civ. 9725

AFFIDAVIT OF NORMAN A.  
PELOQUIN, JR., IN SUPPORT OF  
MOTION TO ADMIT COUNSEL  
*PRO HAC VICE*

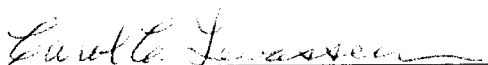
State of Rhode Island        )  
                                          ) ss.:  
County of                        )

Norman A. Peloquin, Jr., Esq., being duly sworn, deposes and says as follows:

1. I am Of Counsel to the law firm of Partridge Snow & Hahn, LLP.
2. I submit this affidavit in support of my motion for admission to practice *pro hac vice* in the above-captioned matter.
3. As shown in the Certificates of Good Standing annexed hereto as Exhibits "A" and "B", I am a member in good standing of the Bar of the Commonwealth of Massachusetts and the State of Rhode Island and Providence Plantations.
4. There are no pending disciplinary proceedings against me in any State or Federal court.
5. Wherefore, your affiant respectfully submits that he be permitted to appear as counsel and advocate *pro hac vice* in this one case.

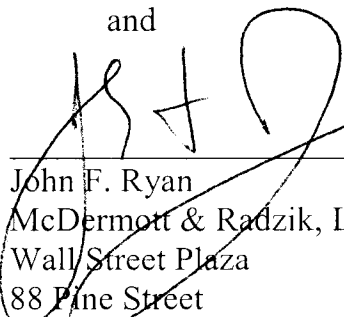
  
\_\_\_\_\_  
Norman A. Peloquin, Jr.  
Partridge Snow & Hahn, LLP  
180 South Main Street  
Providence, RI 02903  
(401) 861-8200  
(401) 861-8210 (Facsimile)  
E-mail: [nap@psh.com](mailto:nap@psh.com)

Sworn to before me this  
26<sup>th</sup> day of August, 2008

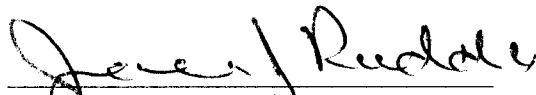
  
\_\_\_\_\_  
Notary Public

My Commission Expires 3/23/2010 - 2 -

and

  
\_\_\_\_\_  
John F. Ryan  
McDermott & Radzik, LLP  
Wall Street Plaza  
88 Pine Street  
New York, NY 10005-1801  
(212) 376-6435  
(212) 376-6488 (Facsimile)  
E-mail: [jfryan@mcdermottradzik.com](mailto:jfryan@mcdermottradzik.com)

Sworn to before me this  
27<sup>th</sup> day of August, 2008

  
\_\_\_\_\_  
Notary Public

1001593\_1/4189-8      **JAMES J. RUDDY**  
Notary Public, State of New York  
No. 30-5008922  
Qualified in Nassau County  
Commission Expires March 8, ~~1995~~  
2011

STATE OF RHODE ISLAND



AND PROVIDENCE PLANTATIONS

Supreme Court  
Frank Licht Judicial Complex  
Providence, R.I. 02903

NORMAN A. PELOQUIN,II  
PARTRIDGE SNOW & HAHN LLP  
180 SOUTH MAIN STREET  
700 PLEASANT ST., 5TH FLOOR  
PROVIDENCE, RI 02903

This certifies that NORMAN A. PELOQUIN,II of PROVIDENCE, RHODE ISLAND, is an Attorney and Counselor of the Supreme Court of the State of Rhode Island, and as such was on 26-OCT-1989 admitted to practice in all the Courts of said State, as appears of record in this the office of the clerk of the Supreme Court of said State and is in good standing and qualified to practice in said Courts. The Supreme Court is the highest Court in the State.

Given under my hand and the seal of said Supreme Court  
at Providence, on July 30, 2008.

Jean Maggioni  
CLERK

## COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on the **twenty-second** day of **December** A.D. **1987**, said Court being the highest Court of Record in said Commonwealth:

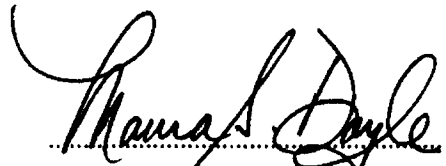
**Norman A. Peloquin, II**

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court\*.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, this **seventh** day of **August**

in the year of our Lord **two thousand and eight**.



  
MAURA S. DOYLE, Clerk

\* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification.

JOHN F. RYAN (JF-1762)  
McDERMOTT & RADZIK, LLP  
*Attorneys for Defendant*  
Wall Street Plaza  
88 Pine Street – 21<sup>st</sup> Floor  
New York, NY 10005-1801  
(212) 376-6400  
(Our File: GM-08-3618 JFR/CGP)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

CARMEN D'ALLESANDRO,

**ECF CASE**

Plaintiff,

**07 Civ. 9725 (DAB)**

- against

MODERN CONTINENTAL, INC. and  
STERLING EQUIPMENT, INC.,

ADMISSION TO PRACTICE  
*PRO HAC VICE*

Defendants.

-----X

STERLING EQUIPMENT, INC.,

Third-Party Plaintiff,

- against -

MODERN CONTINENTAL  
CONSTRUCTION CO., INC.,

Third-Party Defendants.

-----X

The motion for admission to practice *pro hac vice* in the above-captioned matter is granted. The admitted attorney Norman Peloquin, Jr., Esq. is permitted to argue or try this particular case in whole or in part as counsel or advocate.

An attorney admitted to practice *pro hac vice* is required to pay a \$25.00 attorney admission fee and present this Order to the intake deputy clerk in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This Order confirms your appearance as counsel in this case, and it will be entered on the Court's docket. A notation of your admission *pro hac vice* must serve a copy of this Order on all other counsel in this case.

Dated: Brooklyn, New York  
August \_\_\_, 2008

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Honorable Deborah A. Batts  
United States District Judge

cc: *Pro Hac Vice* Attorney  
Court File